

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 23, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Raye, Associate Justice; Robie, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C059794 In re the Marriage of CHARLES and PATRICIA BARFIELD; BARFILED v. BARFIELD

Cause called. Elizabeth Niemi argued for appellant. Christie B. Mitchell argued for respondent. Cause submitted.

At 9:53 a.m., the court recessed. At 9:53 a.m., the court reconvened.

C061925 TAPIA et al. v. DRESDEN et al.

Cause called. Kevin Lancaster argued for appellant. George P. Eshoo argued for respondent. Cause submitted.

At 10:21 a.m., the court recessed. At 10:21 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C057198 WALNUT MANOR ASSOCIATES v. STRENG KEYS

Cause called. Gary S. Garfinkle argued for appellant. Jay-Allen Eisen argued for respondent. Cause submitted.

At 10:48 a.m., the court recessed. At 10:48 a.m., the court reconvened.

C058463 THE PEOPLE v. O'NEIL

Cause called. Gordon Brownell, court appointed counsel, argued for appellant. Larenda Delaini, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:10 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061972 BROWN et al. v. SHASTA UNION HIGH SCHOOL DISTRICT et al.

Cause called. John P. Kelley argued for appellant. Michael T. Risher argued and Marley Degner appeared only for respondent. Cause submitted.

At 2:28 p.m., the court recessed. At 2:31 p.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

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August 23, 2010, Continued

**C063087 In re H.S. et al; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. C.S.**

Cause called. Frank E. Dougherty argued for appellant. Michelle Ben-Hur, Deputy County Counsel, argued for respondent. Cause submitted.

At 3:00 p.m., the court recessed. At 3:03 p.m., the court reconvened with Scotland, Presiding Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C063928 In re J.M.; NEVADA COUNTY HUMAN SERVICES v. L.M.

Cause called. Leslie A. Barry, court appointed counsel, argued for appellant. Scott McCleran, Deputy County Counsel, argued for respondent. Cause submitted.

At 3:31 p.m., the court recessed. At 3:32 p.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C061849 ARRIAGA v. COUNTY OF SAN JOAQUIN

Cause called. Richard J. Reilly argued for appellant. Corinne K. Reynolds argued for respondent. Cause submitted.

At 3:57 p.m., the court recessed. At 3:59 p.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Butz, Associate Justice.

C061738 CITY OF SACRAMENTO v. BELL

Cause called. Larry E. Bell argued in pro. per. for appellant. Michael A. Fry, Deputy City Attorney, argued for respondent. Cause submitted.

At 4:14 p.m., the court recessed until 9:30 a.m., Monday, September 20, 2010.

**C061019 WORLDMARK, THE CLUB v. WYNDHAM (Certified For Publication)
RESORT DEVELOPMENT CORPORATION;
MILLER; WIXON et al.**

The trial court's order is modified... In all other respects the judgment (order) is affirmed.

Costs are awarded to Robin Miller and intervenors.

BLEASE, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

**COURT OF APPEAL
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August 23, 2010, Continued

C064304 In re JESSE C., JR., et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. JESSE C., SR. (Not For Publication)

The judgment (orders terminating parental rights and implementing a permanent plan of adoption) is affirmed.

NICHOLSON, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

August 24, 2010

C060392 THE PEOPLE v. WILLIAM ELEFATE McELROY (Not For Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Cantil-Sakauye, J.

C061980 THE PEOPLE v. RONALD DEAN JEHA (Certified For Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.

Cantil-Sakauye, J.

C062423 THE PEOPLE v. GABRIEL GARCIA (Not For Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C062450 THE PEOPLE v. JAMES HAROLD NJIRICH (Not For Publication)

The judgment, as modified, is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment.

ROBIE, J.

We Concur: Hull, Acting P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

August 24, 2010, Continued

- C063028 THE PEOPLE v. (Not For Publication)**
HOSAM KADDOURA
The judgment is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Cantil-Sakauye, J.
- C064079 THE PEOPLE v. (Not For Publication)**
HANSEL ELWOOD SMITH, JR.
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C063541 NORLUND v. THE SUPERIOR COURT (Not For Publication)**
OF BUTTE COUNTY; SOHNREY
The petition for a peremptory writ of mandate and prohibition is denied.
Having served their purposes, the alternative writ of mandate and prohibition is
discharged and the stay vacated. The parties will bear their own costs in this writ
proceeding.
(Cal. Rules of Court, rule 8.493 (a)(1)(B).)
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C059236 KING v. WILLMETT (Certified For Partial Publication)**
THE COURT:
It is ordered that the separate, dissenting opinion filed in this case on
August 9, 2010, be modified...
These modifications do not effect a change the judgment.
HULL, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 25, 2010

**STATE OF CALIFORNIA
EXECUTIVE DEPARTMENT**

Know all who shall see these Presents:

That I, Arnold Schwarzenegger, Governor of the State of California, in the name and by the authority of the People of the State of California, do by these presents, appoint and commission .

LOUIS R. MAURO
Associate Justice, Court of Appeal
Third Appellate District

For the term as prescribed by law.

In Witness Whereof, I have hereunto set my hand and cause the Great Seal of the State to be affixed at San Francisco, this twenty-fifth day of August, two thousand-ten.

ARNOLD SCHWARZENEGGER
Governor of the State of California

By the Governor:
DEBRA BOWEN
Secretary of State

**IN THE MATTER OF THE CONFIRMATION OF THE
APPOINTMENT BY THE GOVERNOR
OF THE HONORABLE LOUIS R. MAURO
TO THE OFFICE OF ASSOCIATE JUSTICE OF
THE COURT OF APPEAL
THIRD APPELLATE DISTRICT**

The Honorable Arnold Schwarzenegger, Governor of the State of California, having duly nominated the Honorable Louis R. Mauro to the office of Associate Justice of the Court of Appeal, Third Appellate District, to succeed Justice Fred K. Morrison, who has retired.

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Court Minutes

August 25, 2010, Continued

NOW, THEREFORE, the Commission on Judicial Appointments, as provided in section 16(d), Article VI of the Constitution of the State of California, hereby in writing confirms such appointment.

Dated: August 25, 2010

RONALD M. GEORGE
Chief Justice of California

EDMUND G. BROWN, JR.
Attorney General of California

ARTHUR G. SCOTLAND
Administrative Presiding Justice,
Court of Appeal,
Third Appellate District

OATH

For the Office of Associate Justice, Court of Appeal, Third Appellate District

I, Louis R. Mauro, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature: Louis R. Mauro
Term Expires as prescribed by law.
Subscribed and sworn to before me
This 25th day of August
A.D. 2010

RONALD M. GEORGE
Chief Justice of California

**COURT OF APPEAL
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Court Minutes

August 25, 2010, Continued

- C059402 THE PEOPLE v. (Not For Publication)**
RONALD WILSON HARPE
The judgment is affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C064160 THE PEOPLE v. (Not For Publication)**
GARY GRANT HAMPTON, JR.
The judgment is affirmed.
ROBIE, J.
We Concur: Raye, Acting P.J.
Butz, J.
- C064536 THE PEOPLE v. (Not For Publication)**
THOMAS CEDRIC HARRIS
The judgment is affirmed.
ROBIE, J.
We Concur: Raye, Acting P.J.
Butz, J.
- C061019 WORLDMARK, THE CLUB v. (Certified For Publication)**
WYNDHAM RESORT DEVELOPMENT
CORPORATION; MILLER; WIXON et al.
BY THE COURT:
The opinion of this court filed August 23, 2010, in the above entitled case is modified...
As modified, this does not effect a change in the judgment.
FOR THE COURT:
BLEASE, Acting P.J.
Robie, J.
Cantil-Sakauye, J.
- C062573 In re L.S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND**
HUMAN SERVICES v. S.C.
- C062892 In re L.S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND**
HUMAN SERVICES v. S.C. et al.
BY THE COURT:
Appellant S.C.'s request to publish opinion filed on July 26, 2010, is denied.
HULL, Acting P.J.

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Court Minutes

August 26, 2010

- C061790 THE PEOPLE v. VINCENT EDWARDS (Not For Publication)**
The judgment is modified... The trial court shall send a certified copy of
the amended abstract to the Department of Corrections and Rehabilitation.
RAYE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C062089 THE PEOPLE v. (Not For Publication)**
ESTRELLA LUZ MACIAS
The judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
 Robie, J.
- C064356 THE PEOPLE v. JAMES MORENO (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
 Butz, J.

August 27, 2010

- C063070 THE PEOPLE v. (Not For Publication)**
RAYMOND MICHAEL PEREZ
The appeal is dismissed.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
 Raye, J.
- C063352 THE PEOPLE v. (Not For Publication)**
RONNIE MITCHELL
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 27, 2010, Continued

**C060407 FIRST RESPONDER EMERGENCY (Certified For Partial Publication)
MEDICAL SERVICES, INC., et al. v.
NORTHERN CALIFORNIA EMERGENCY
MEDICAL SERVICES, INC., et al;
PRIORITY ONE MEDICAL TRANSPORT,
INC.
COUNTY OF BUTTE v. CALIFORNIA
EMERGENCY MEDICAL SERVICES
AUTHORITY, INC.**

 The judgment is affirmed.
 SCOTLAND, P.J.

We Concur: Nicholson, J.
 Raye, J.